

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

APR 30 2010

JOHN F. CORCORAN, CLERK
BY: *H McDonald*
DEPUTY CLERK

BERNARD BARNETT,
Plaintiff,

v.

TERRY O'BRIEN, et al.,
Defendants.

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Civil Action No. 7:09-cv-00068

ORDER

By: Hon. Jackson L. Kiser
Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that plaintiff's claims regarding colostomy supplies, surgery for his colostomy closure, the failure to identify his colon rupture, and the "sham" investigation are **DISMISSED without prejudice** for failing to exhaust administrative remedies; defendants' motion for summary judgment is **GRANTED**; plaintiff's motion for summary judgment is **DENIED**; all pending motions are **DENIED as moot**, and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff and counsel of record for the defendants.

ENTER: This 30th day of April, 2010.

Jackson L. Kiser
Senior United States District Judge